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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,084	01/02/2004	James J. Macor	CET0401	1325
7590	09/22/2004		EXAMINER	
Richard J. Macor Proprietary Technologies, Inc. 26 Alpaugh Drive Asbury, NJ 08802-1213			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,084

Applicant(s)

MACOR, JAMES J.

Examiner

Anthony H Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Crisan (US 2003/0121964 A1) in view of Strauch et al. (US 5,861,823).

With respect to claims 1,6-8,12-14,18 and 19 Crisan teaches a keypad having three principle buttons or keys capable of performing twelve switch operations or dialing telephone numbers as shown in Figs.6 and 9 of Crisan (see, also, page 3, paragraph 0034, line 6). Crisan does not clearly teach the four tactile depressible areas of the key. However, Strauch et al. teaches a keypad having multifunction keys (i.e., at least four tactile depressible areas) which transmit tactile sensation to the users' fingers (Strauch et al., col.5 lines 52-54). In view of the teaching of Strauch et al., it would have been obvious to one of ordinary skill in the art to modify the buttons or keys of Crisan by substituting the keys as taught by Strauch et al. to improve the efficiency of operating or typing on a keypad.

With respect to claims 5, 11 and 17, Crisan teaches all that is claimed, except the button or key having a raised structure. Strauch et al. teaches a key 80 having a raised structure 88 to provide additional tactile sensation (Fig.5 and col.5 lines 55 and 56). Therefore, it would have been obvious to one of ordinary skill in the art to modify the button or key of Crisan by providing the key having a raised structure as taught by Strauch et al. for ease of typing.

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Claim 19 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Crisan in view of Strauch et al. as applied to claims 1-18 and 20 above, and further in view of Goodson (US 5,359,658).

Crisan and Strauch et al. teach all that is claimed, except for the overlay material which is used with the buttons or keys. Goodson teaches a keypad having an overlay 11 as shown in Figs. 1 and 3. In view of the teaching of Goodson, it would have been obvious to one of ordinary skill in the art to modify the keypad of Crisan and Strauch et al. by providing the overlay as taught by Goodson for protecting the keypad.

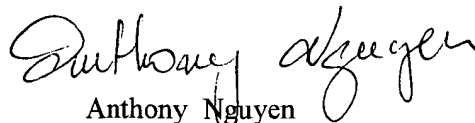
Conclusion

The patents to Krishnan, Jaargui et al. and Kraus et al. are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Nguyen
9/20/04
Patent Examiner
Technology Center 2800